

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH

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MARVIN B. ELLIS, ADMINISTRATOR OF  
THE PHILEMON B. ELLIS ESTATE,

Plaintiff,

vs.

MATT JONES, et al.,

Defendants.

**MEMORANDUM DECISION AND  
ORDER**

Case No: 1:07-CV-122 DAK

District Judge Dale A. Kimball

Magistrate Judge David Nuffer

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Marvin B. Ellis filed suit under [42 U.S.C. § 1983](#) purportedly on behalf of the Philemon B. Ellis Estate.<sup>1</sup> However, it is well-settled that an artificial entity such as an estate may appear in the federal courts only through licensed counsel.<sup>2</sup> Since there is no indication that Mr. Ellis is a licensed attorney, he may not represent the Philemon B. Ellis Estate in this case.

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<sup>1</sup>See docket no. 1, filed September 20, 2007.

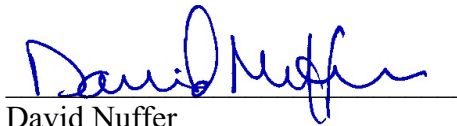
<sup>2</sup>[Rowland v. California Men's Colony](#), 506 U.S. 194, 201-02 (1993); [Tal v. Hogan](#), 453 F.3d 1244, 1254 (10<sup>th</sup> Cir. 2006), *cert. denied*, 127 S. Ct. 1334 (2007); *see also* [Iannoccone v. Law](#), 142 F.3d 553, 559 (2d Cir. 1998) (holding that non-attorney representative of estate may not proceed pro se in an action by the estate where estate has beneficiaries or creditors other than the representative); [Pridgen v. Andresen](#), 113 F.3d 391, 393 (2d Cir. 1997) (same).

**ORDER**

The estate must be represented by a licensed attorney in order to proceed. Accordingly, it is hereby **ORDERED** that the estate must obtain licensed counsel, and counsel must enter an appearance within thirty days from the date of this order. Failure to do so will result in dismissal of the complaint.

October 18, 2007.

BY THE COURT:

A handwritten signature in blue ink, reading "David Nuffer", is written over a horizontal line.

David Nuffer  
U.S. Magistrate Judge